

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

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IN RE: YASMIN AND YAZ (DROSPIRENONE) ) 3:09-md-02100-DRH-PMF  
MARKETING, SALES PRACTICES AND ) MDL No. 2100  
PRODUCTS LIABILITY LITIGATION )

**ORDER**

**This Document Relates to:**

*Debra Allen v. Bayer HealthCare*  
*Pharmaceuticals Inc., et al.* **No. 3:10-cv-13751-DRH-PMF**

*Jessica Dunn v. Bayer Corp., et al.* **No. 3:10-cv-13654-DRH-PMF**

*Faith Francis v. Bayer HealthCare*  
*Pharmaceuticals Inc., et al.* **No. 3:10-cv-12504-DRH-PMF**

*Rebecca Garlick v. Bayer HealthCare*  
*Pharmaceuticals Inc., et al.* **No. 3:10-cv-13281-DRH-PMF**

*Brenda Harding v. McKesson Corp., et al.* **No. 3:10-cv-20406-DRH-PMF**

*Angela Hills v. Bayer Corp., et al.* **No. 3:10-cv-13497-DRH-PMF**

*Elizabeth Radimak, et al. v. Bayer*  
*HealthCarePharmaceuticals Inc., et al.*<sup>1</sup> **No. 3:10-cv-13127-DRH-PMF**

*Monica Wilkinson v. Bayer HealthCare*  
*Pharmaceuticals Inc., et al.* **No. 3:10-cv-13528-DRH-PMF**

**ORDER**

**HERNDON, Chief Judge:**

This matter is before the Court on Defendant Bayer HealthCare Pharmaceuticals Inc.'s ("Bayer") motion to dismiss the above captioned actions without prejudice (filed on June 6, 2011). Plaintiff's responsive pleading was due

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<sup>1</sup> This Order applies to plaintiff Christina Weymouth.

on or before July 11, 2011. To date, Plaintiffs have not responded to Bayer's motion.

In each of the above captioned cases the Court granted a motion to withdraw filed by each plaintiff's counsel (*Francis* Doc. 9; *Garlick* Doc. 10; *Sills* Doc. 7; *Radimak* Doc. 10; *Allen* Doc. 8; *Dunn* Doc. 11; *Harding* Doc. 20; *Wilkinson* Doc. 8). Brockman DOC. 16 (11/18/10); CardinaleDOC. 11 (11/29/10); MixonDOC. 7 (11/29/10); Rowe DOC. 9 (11/29/10)). In each case, the Order provided that, “[i]f plaintiff or her new counsel fails to file a supplementary appearance within 21 days of the entry of this Order, plaintiff's action will be subject to dismissal without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute or to comply with the orders of this Court, including failure to comply with the Plaintiff Fact Sheet requirements.” To date, and in violation of the Order and Local Rule 83.1(g), plaintiffs have not filed a supplementary appearance.

Pursuant to Federal Rule of Civil Procedure **41(b)**, a complaint may be involuntarily dismissed where a Plaintiff fails to prosecute or to comply with the rules or a court order. **See Fed. R. Civ. P. 41(b).** In the above captioned cases, Plaintiffs have failed to comply with this Court's Order and with **Local Rule 83.1(g).**

In addition, each plaintiff's failure to file an appearance has prejudiced Bayer. In each of these matters, a Plaintiff Fact Sheet was due on or before May 5, 2011. To date, and in violation of Case Management Order 12,

Plaintiffs' have not served a fact sheet. Thus, the Plaintiff Fact Sheets are more than one month overdue.

Accordingly, for the reasons stated herein, plaintiffs' actions are hereby dismissed without prejudice.

**SO ORDERED.**



David R. Herndon  
2011.07.12  
14:00:43 -05'00'

**Chief Judge**  
**United States District Court**

**Date: July 12, 2011**